

# Notice of Allowability

Application No.

09/717,083

Examiner

Le Nguyen

Applicant(s)

FISHKIN ET AL.

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the 10/24/05 amendment and 1/12/06 interview.
2. ☒ The allowed claim(s) is/are 9-13, 24-27, 29, 31, 36, 37 and 39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 1/12/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Kristine Kincaid*  
KRISTINE KINCAID

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

***Examiner's Amendment and Reasons for Allowance***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Gang Luo on 1/12/06.

3. The application has been further amended as follows:

Claims 21-23, 28, 30, 32-35 and 38 have been cancelled.

Claim 24 has been amended to incorporate claim 34 as follows:

24. A method for inputting information, the method comprising:

deforming a deformable piece of material applied to a surface of a hand-held computing device to provide a first electro-physical morpheme input to the device without pushing buttons, the first morpheme input normally triggering a first default action by the device; ~~and~~

orienting the deformable piece relative to an external environmental object to provide a second electrophysical morpheme input to the device; and

triggering a second default action by the device in response only to the orienting of the deformable piece relative to the external environmental object, the second default action resulting from the first default action wherein the first default action causes a

display of a list of items to scroll and the second default action changes the speed of the scrolling.

Claim 25 has been amended to incorporate claim 33 as follows:

25. A method for inputting information, the method comprising:

manipulating a deformable piece of material applied to a surface of a hand-held computing device to provide a first electro-physical morpheme input to the device, the first morpheme input normally triggering a first default action by the device;

asynchronously manipulating the deformable piece to provide a second electro-physical morpheme input to the device, with the second morpheme input converting the normally triggered first default action to a second action by the device wherein the first default action causes a display of a list of items to scroll and the second action causes the scrolling to stop.

4. The following is an examiner's statement of reasons for allowance:

The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements:

the method comprising manipulating a deformable piece of material applied to a surface of a hand-held computing device to provide electro-physical morpheme inputs to the device wherein the second default action results from the first default action and wherein the first default action causes a display of a list of items to scroll and the second default action changes the speed of the scrolling as recited in claim 34 and

wherein the first default action causes a display of a list of items to scroll and the second action causes the scrolling to stop as recited in claim 33.

Although Randell et al., Zhai et al., Waldman and Wambach a substantial amount of the claimed matters, Randell et al., Zhai et al., Waldman and Wambach fail to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Inquires***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LVN  
Patent Examiner  
January 13, 2006